

FILED

2011 APR 18 DB

U.S. DISTRICT COURT
MIDDLE DISTRICT OF N.Y.

VS.

No.

JURY DEMAND

Defendant Wal-Mart Stores East, LP (sued as "Wal-Mart Stores, Inc.") hereby gives notice of the removal pursuant to 28 U.S.C. § 1441 et. seq., of the following action filed against it: Allie Foster v. Wal-Mart Stores, Inc., in the Circuit Court for Rutherford County, Tennessee, No. 62296.


Copies of the summons and complaint are attached as Exhibits A and B respectively. According to the complaint, plaintiff is a citizen of Rutherford County, Tennessee. Wal-Mart Stores East, LP is a Delaware limited partnership, of which WSE Management, LLC, a Delaware limited liability company, is the general partner, and WSE Investment, LLC, also a Delaware limited liability company, is the limited partner. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, Inc., whose parent corporation is Wal-Mart Stores, Inc. Wal-Mart Stores East, Inc. is an Arkansas corporation with its principal place of business in

Bentonville, Arkansas. Wal-Mart Stores, Inc. is a Delaware corporation with its principal place of business in Bentonville, Arkansas.

Jurisdiction is conferred under 28 U.S.C. § 1332 relating to diversity of citizenship of the parties. The parties are citizens of different states. Plaintiffs demand \$200,000.00 in damages, which is in excess of the federal jurisdiction requisite.

Defendant was served with process on March 21, 2011. Less than thirty days have expired since service of process on defendant. This Notice of Removal is timely filed as set forth in 28 U.S.C. § 1446(b).

WHEREFORE, defendant hereby gives notice of the removal of this action pending in the Circuit Court for Rutherford County, Tennessee, to the United States District Court for the Middle District of Tennessee, Nashville Division, and requests that the proceedings be held thereon.



Andy Rowlett, No. 16277
Susan VanDyke, No. 23070
HOWELL & FISHER, PLLC
Court Square Building
300 James Robertson Parkway
Nashville, TN 37201-1107
#615/244-3370
Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served by U.S. mail, postage prepaid, upon John D. Drake, attorney for plaintiff, 120 East Main Street, 3rd Floor, Bank of America, Murfreesboro, TN 37130, on this the 18th day of April, 2011.



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